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MAILED

SEP 26 2006

TECHNOLOGY CENTER 2100

In re Application of: Mordechai HAMMER :
Application No.: 08/894,211 :
Filed: July 30, 1997 : PETITION under 37 CFR §1.181
Attorney Docket #: 2036.018PCT : TO RESET PERIOD FOR REPLY
Title: EXTENSIBLE AND RETRACTABLE :
ELEMENTS AND VARIOUS USES FOR THE :
ELEMENTS :

This is a decision on the renewed petition filed September 18, 2006, requesting that the shortened statutory period for reply set forth in the Office communication mailed on April 11, 2006 be reset. The original petition, filed May 24, 2006, was dismissed on July 19, 2006.

The petition is **GRANTED**.

In accordance with MPEP 710.06 (II):

The Office will grant a petition to restart the previously set period for reply to an Office action to run from the postmark date shown on the Office mailing envelope which contained the Office action when the following criteria are met:

- (A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;
- (B) the reply period was for payment of the issue fee, or the reply period set was 1 month or 30 days; and
- (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), (2) a copy of the envelope which contained the Office action showing the postmark date, and (3) a statement setting forth the date of receipt of the Office action at the correspondence address and stating that the Office action was received in the postmarked envelope.

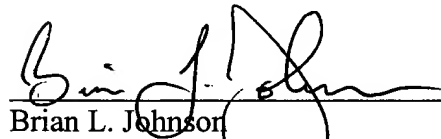
A review of the file record in the instant application confirms that the Office communication was mailed on April 11, 2006 to the official and current address of record, i.e. Mordechai Hammer, P.O. Box 6749, Ramat Gan, 52167 ISRAEL.

Petitioner provided a statement that the Office communication in question (Notice of Non-Compliant Amendment (37 CFR 1.121)) was not received at the correspondence address of record until May 15, 2006 in the postmarked envelope. In addition, a copy of the mailing envelope used by the Office was provided (pages 4-7 of attachment to the instant petition) including a showing of the postmark stamps. The copy of the mailing envelope provided

includes the correspondence address thereon, as is required. The postmark thereon now appears to be legible showing a date of 15 May 2006.

Accordingly, The petition is **GRANTED**.

The 30-day period for response set forth continues to run from the date of receipt of the Office communication, i.e. from May 15, 2006. Extensions of time are available under 37 CFR § 1.36(a). Currently, in order to file a timely response to the Office communication prior to October 16, 2006 (Oct. 15, 2006 is a Sunday), a 4-month extension of time is necessary (\$795.00, small entity). Additional information on fees is available on-line at www.uspto.gov.



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